

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: de Sauvage <i>et al.</i> Serial No.: not yet assigned Filed: herewith For: <i>Patched-2 Antibodies</i>	Group Art Unit: not yet assigned Examiner: not yet assigned
<p>CERTIFICATION UNDER 37 CFR 1.10</p> <p>EV 016026972 US: Express Mail Number November 20, 2001: Date of Deposit</p> <p>I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, Virginia 22202.</p> <p><i>Glory L. Tabuena</i> Glory L. Tabuena</p>	

PRELIMINARY AMENDMENT

Box PATENT APPLICATION
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Sir:

Prior to the calculation of the filing fee and prior to substantive examination, Applicants request that the following amendments be entered.

AMENDMENT

In the claims:

Please cancel Claims 1-28 without prejudice.

Please add the following new claims (Claims 29-54).

29. An antibody which binds to a *patched-2* polypeptide (1) having greater than 91%

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sequence identity to the human *patched-2* polypeptide of Figure 1 (SEQ ID NO:2) as measured by BLAST-2 set to the default parameters, and (2) which binds to hedgehog.

30. The antibody of Claim 29, wherein the *patched-2* polypeptide comprises amino acid residues 1 to 1203 of Figure 1 (SEQ ID NO:2).

31. The antibody of Claim 29, wherein the sequence identity is at least 92%.

32. The antibody of Claim 29, wherein the sequence identity is at least 93%.

33. The antibody of Claim 29, wherein the sequence identity is at least 95%.

34. The antibody of Claim 29 which is polyclonal.

35. The antibody of Claim 29 which is monoclonal.

36. The antibody of Claim 29 which is humanized.

37. The antibody of Claim 29 which is bispecific.

38. The antibody of Claim 29 which is heteroconjugated.

39. An antibody which binds to a *patched-2* polypeptide (1) having greater than 91% sequence identity to the human *patched-2* polypeptide of Figure 1 (SEQ ID NO:2) as measured by BLAST-2 set to the default parameters, and (2) which binds to *Smoothened*.

40. The antibody of Claim 39, wherein the *patched-2* polypeptide comprises amino acid residues 1 to 1203 of Figure 1 (SEQ ID NO:2).

41. The antibody of Claim 39, wherein the sequence identity is at least 92%.

42. The antibody of Claim 39, wherein the sequence identity is at least 93%.

43. The antibody of Claim 39, wherein the sequence identity is at least 95%.
44. The antibody of Claim 39 which is polyclonal.
45. The antibody of Claim 39 which is monoclonal.
46. The antibody of Claim 39 which is humanized.
47. The antibody of Claim 39 which is bispecific.
48. The antibody of Claim 39 which is heteroconjugated.
49. An antibody which binds to the *patched-2* polypeptide encoded by the human cDNA insert of the polynucleotide deposited under ATCC 209779.
50. The antibody of Claim 49 which is polyclonal.
51. The antibody of Claim 49 which is monoclonal.
52. The antibody of Claim 49 which is humanized.
53. The antibody of Claim 49 which is bispecific.
54. The antibody of Claim 49 which is heteroconjugated.

REMARKS

Claims 1-28 were present in the application as filed herewith, however, by this Preliminary Amendment, Applicants cancel Claims 1-28 and add Claims 29-56, thereby leaving Claims 29-56 for prosecution herein.

Applicants also submit a revised specification to correct for various typographical errors and to submit formal drawings and the sequence listing. The revised specification, drawings and claims do not represent new matter. Pursuant to 37 C.F.R. § 1.53(b)(1) and M.P.E.P. § 201.06(c), Applicants hereby submit a copy of the declaration executed in the parent application, U.S.S.N. 09/293,505.

Support for the new claims appears generally at page 8, line 29 through page 9, line 33 and page 24, line 19 through page 28, line 21.

Specific support for a polypeptide have greater than 91% sequence identity as well as at least 92%, 93% or 95% as appears in Claims 31-33 and 41-43 appears at least at page 2, lines 31-34.

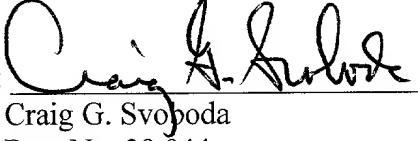
Support for use of the BLAST-2 algorithm set to the default parameters to measure the requisite degree of sequence identity (as appears in claims 29 and 39) appears at least at page 6, lines 3-5.

Support for an antibody which binds to the polypeptide encoded by the cDNA deposit of ATCC Deposit No. 209778 appears at least at page 3, lines 2-4.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Applicants respectfully request entry of the enclosed amendments. The examiner is invited to contact the undersigned at (650) 225-1489 in order to expedite the resolution of any remaining issues.

Respectfully submitted,
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By: 
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 1-28 have been cancelled.

Claims 29-54 have been added.